

**CALENDAR ITEM
C60**

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S) Statewide

04/06/11
Bid Log 2010-11, RA 19710
W 26420, W30182
A. Abeleda, D. Brown, C. Spurr

**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER TO SOLICIT
STATEMENTS OF INTEREST FOR CONSULTANT SERVICES, NEGOTIATE FAIR
AND REASONABLE PRICE, AWARD AND EXECUTE AGREEMENTS FOR
PREPARATION OF ENVIRONMENTAL DOCUMENTATION AND MITIGATION
MONITORING FOR THE PROPOSED BROAD BEACH RESTORATION PROJECT,
CITY OF MALIBU, LOS ANGELES COUNTY**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

Broad Beach is located in the city of Malibu, Los Angeles County. The Project area is located west of Broad Beach Road (which runs parallel to Pacific Coast Highway) and is comprised of shoreline fronting approximately 109 homes, spanning from Lechuza Point to Trancas Creek. This area has experienced extensive shoreline erosion for over 30 years, resulting in an almost complete loss of recreational and public access and threats to private property, with associated septic systems and leach fields, and dune fields along this stretch of beach.

During the 2009-10 winter season, erosion and widespread failure of the existing temporary emergency sandbag revetments necessitated permitting and construction of a temporary emergency rock revetment by the Trancas Property Owner's Association (TPOA). The revetment was considered interim shore protection required to halt erosion and protect residential structures and septic systems.

The TPOA and neighboring property owners are in the process of forming a Geological Hazard Abatement District (GHAD), by approximately April 2011 pending resolution of the Malibu City Council, to fund all restoration work and post-construction maintenance and monitoring for the Project. GHADs are public entities created pursuant to Public Resources Code Section 26500 et seq. Their purpose is to finance the prevention, mitigation, and abatement or control of geologic hazards. Once formed, the GHAD will have a five-person Board of Directors. These directors will be listed in the GHAD

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formation documents and will be empowered in accordance with California law and the city resolution. The TPOA Board and the subcommittee charged with completing the Project fully support the GHAD serving as the Project applicant, upon creation of the GHAD.

PROPOSED PROJECT:

The Broad Beach Restoration Project (Project), as proposed by TPOA, would address the extensive erosion at Broad Beach through beach and sand dune restoration. The Project as proposed would address geologic hazards associated with beach and dune erosion, flooding and other damage due to sea-level rise, storms and coastal cliff erosion, and would include the following components:

- Sand Nourishment and Beach Replenishment– Placing high quality beach material to replenish Broad Beach with “dry” sand between the dune system and the shoreline (part of ongoing beach nourishment program);
- Revetment – Burying the emergency revetment in the landward edge of the widened, nourished beach. Imported beach quality material would be placed over the existing revetment to create a restored dune;
- Dune Building and Restoration– Building a reservoir of sand and restoring dune habitat with native plant species;
- Beach Widening and Public Access Enhancement– Widening the beach to provide enhanced and public access and recreational opportunities along Broad Beach.

The environmental document would address both the emergency revetment and the potential significant impacts associated with the proposal to restore Broad Beach.

PROPOSED ACTIVITY:

From the information that has been provided by project proponents, in consultation with the other California Responsible and/or Trustee agencies for the whole project, and in accordance with the California Code of Regulations Title 14, Chapter 3, §15000 et seq., the CSLC has determined to act as the Lead Agency for the whole action of the Proposed Project under the California Environmental Quality Act (CEQA).

Consideration of this proposed Project will require environmental documentation, and possibly monitoring, in accordance with CEQA. The Executive Officer requests delegation of authority to engage a consultant to prepare an Environmental Impact Report (EIR) or related environmental document, and possibly conduct mitigation monitoring, in accordance with the California Environmental Quality Act (CEQA) for the proposed Project. Consultant selection shall be conducted consistent with procedures as specified in California State Lands Commission (CSLC) Regulations and in the State Contract Manual on the basis of demonstrated competence and qualifications for the

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types of services to be performed and at a fair and reasonable price. All staff and consultant costs shall be recovered from the Project applicant.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Contracts Manual Section 11.00 A & E method (rev. 10/05)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0
- F. Government Code Section 19130
- G. California Administrative Code Title 14 Section 15045

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, Section 15060(c)(3) because the activity is not a project as defined by Public Resources Code Section 21065 and Title 14, California Code of Regulations, Section 15378.
2. Find that the services are of limited duration and are of such urgent, temporary and occasional nature that the delay in their implementation under civil service would frustrate their very purpose as specified in Government Code Section 19139(b)(10).
3. Find that the selection of consultants under this process does not affect small businesses as defined in Government Code Section 11342.610, because they will be accorded equal opportunity to submit statements of qualifications and performance data.

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4. Find that the selection of consultants under this process for professional services of architectural, landscape architectural, engineering, environmental, land surveying or construction project management services will be consistent with procedures and policies adopted by the Commission as specified in Government Code Section 4526 and Title 2, California Code of Regulations 2980–2980.9.
5. Authorize the Executive Officer or his designee to solicit proposals, negotiate a fair and reasonable price, award and execute contracts for environmental documentation and mitigation monitoring for the proposed Project in accordance with State policies and procedures.
6. Authorize the Executive Officer or his designee to enter into an agreement with the Project applicant to recover costs incurred in the consideration of this Project.